

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TATIANA WESTBROOK, an individual;  
JAMES WESTBROOK, an individual; HALO  
BEAUTY PARTNERS, LLC, a Nevada Limited  
Liability Company,

Plaintiffs,

v.

KATIE JOY PAULSON, an individual;  
WITHOUT A CRYSTAL BALL, LLC, a  
Minnesota Limited Liability Company; and  
DOES 1 through 100, inclusive,

Defendants.

NO. 2:20-cv-01606-BJR

**DECLARATION OF JEFFREY E.  
BILANKO IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SANCTIONS**

I, Jeffrey E. Bilanko, hereby state as follows:

1. I am an attorney admitted to appear before the U.S. District Court for the Western District of Washington in the above-captioned matter. I am a partner of Carroll, Biddle, & Bilanko, PLLC, and counsel for Plaintiffs Tatiana Westbrook, James Westbrook, and Halo Beauty Partners, LLC in this matter. I am over the age of eighteen and am competent to testify to the facts alleged herein.

**DECLARATION OF JEFFREY E.  
BILANKO IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SANCTIONS -1**  
(2:20-CV-01606-BJR)

**CARROLL, BIDDLE, & BILANKO, PLLC**  
1000 2<sup>nd</sup> Avenue, Suite 3100  
Seattle, WA 98104

2. I participated in this Court's February 2, 2021 Status Conference. Attached as **Exhibit 1** is a true and correct copy of a selected portion of the Verbatim Report of Proceedings Before the Honorable Barbara J. Rothstein United States District Judge.

3. On January 25, 2021, Defendants' counsel, Michael Brown, sent Plaintiffs' counsel an email to request a meet and confer telephone conference to discuss four motions Defendants' intended to file: 1) Motion for sanctions under Section 1927 and the Court's inherent power, 2) Motion for Rule 11 sanctions, 3) Motion to shorten time on the 21-day "safe harbor" period for Rule 11 motion, 4) Motion to qualify Mr. Brown to continue to represent Defendants. In his email, Mr. Brown stated, "The sanctions motions are premised on your preparation and submission of the Barnhart Declaration, as well as Mr. Saltz's "determination" in his declaration that Lori and Defendants conspired to hide evidence (Dkt. 30-1)." Attached as **Exhibit 2** is a true and correct copy of this email.

4. On January 27, 2021, Michael Saltz, Elana Levine, and I participated in a meet and confer telephone conference with Defendants' counsel, Michael Brown, and one of his associates. Mr. Brown failed to mention or address any of the following issues during the meet and confer:

- a. The Kim Fulmer Declaration, including whether any of Ms. Fulmer's testimony was submitted for an "improper purpose;"
- b. Whether Mr. Saltz's direct messages to a friend of Lori Ann Barnhart were for "oppressive reasons" and an "improper purpose;"
- c. Whether any testimony of Mr. Saltz's January 4, 2021 testimony was submitted for an "improper purpose;" and
- d. Whether Plaintiffs' counsel violated RPC 4.2 by communicating with Ms. Barnhart.

5. Additionally, Plaintiffs' counsel never told Mr. Brown during the conference that:

- 1 a. Ms. Barnhart believed that she was represented by Mr. Brown on January 12,  
2 2021;  
3 b. Plaintiffs' counsel received each and every single email between Ms. Barnhart  
4 and Mr. Brown;  
5 c. Ms. Barnhart told Plaintiffs' counsel a story they wanted to hear;  
6 d. Ms. Barnhart told Mr. Brown a "fake story;" and  
7 e. Plaintiffs' counsel "rushed to complete their interview of Ms. Barnhart and get  
8 her signature" on the Signed Barnhart Declaration before her medication took  
9 effect.  
10

11 I declare under penalty of perjury under the laws of the United States of America that the  
12 forgoing is true and correct.  
13

14 SIGNED at Seattle, Washington, on March 3, 2021.  
15

16 /s/ Jeffrey E. Bilanko  
17 Jeffrey E. Bilanko  
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**EXHIBIT “1”**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

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TATIANA WESTBROOK, an	)	
individual; JAMES WESTBROOK, an	)	
individual; HALO BEAUTY	)	CASE NO. C20-01606-BJR
PARTNERS, LLC, a Nevada Limited	)	
Liability Company,	)	Seattle, Washington
	)	
Plaintiffs,	)	February 2, 2021
	)	10:00 a.m.
v.	)	
	)	STATUS CONFERENCE
KATIE JOY PAULSON, an	)	via Zoom
individual; WITHOUT A CRYSTAL	)	
BALL, LLC, a Minnesota Limited	)	
Liability Company; and DOES 1	)	
through 100, inclusive,	)	
	)	
Defendants.	)	
	)	

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VERBATIM REPORT OF PROCEEDINGS  
BEFORE THE HONORABLE BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE

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APPEARANCES:

For the Plaintiffs:      JEFFREY EDWARD BILANKO  
Carroll Biddle & Bilanko PLLC  
1000 2nd Avenue, Suite 3100  
Seattle, WA 98104

MICHAEL J. SALTZ  
ELANA LEVINE  
Jacobson Russell Saltz Nassim &  
De La Torre LLP  
1880 Century Park E, Suite 900  
Los Angeles, CA 90067

For the Defendants:      MICHAEL P. BROWN  
Gordon Tilden Thomas & Cordell LLP  
600 University Street, Suite 2915  
Seattle, WA 98101

1           So it's just very aggravating for us to hear him again say  
2       "we're not accusing her of doing it, but here are the reasons  
3       why we know she's doing it."

4           In the Kennett declaration, Ms. Kennett says, quote, I knew  
5       Ms. Paulson was not being honest with me when she denied that  
6       she was behind the hacks.

7           That is directly pointing the finger at Ms. Paulson. She  
8       says, "I believe these accounts," that are hacking her and  
9       harassing her, "were working closely with Ms. Paulson."

10          So Mr. Saltz just told the court that Ms. Kennett didn't  
11       accuse Ms. Paulson of doing this. The declaration, in black and  
12       white, says it did. I don't want to believe we live in a  
13       post-factual world, Your Honor. The declaration says that, and  
14       what Mr. Saltz said today does not take away what the  
15       declaration said.

16               THE COURT: Mr. Saltz, it sure sounds -- he's reading  
17       from a declaration that says exactly that.

18               MR. SALTZ: Sorry, Your Honor. What he's reading from  
19       is a comment that said that the hackers had private information  
20       contained from a private conversation that she had with  
21       Ms. Paulson, and that -- that was what she was talking about,  
22       along with what we called "the dog-whistle statement," where  
23       they went after her with regard to certain events.

24               But I can go into it and I can explain what Ms. Kennett was  
25       saying in her declaration, or -- I understand that the court did

**EXHIBIT “2”**

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**From:** Michael P. Brown <mbrown@gordontilden.com>  
**Sent:** Monday, January 25, 2021 7:34 AM  
**To:** Michael Saltz; Lani Levine; Jeffrey Bilanko; Suki Kaplan  
**Subject:** Meet and Confer

Please let me know your availability today or tomorrow to meet and confer on the following motions we intend to file:

1. Motion for sanctions under Section 1927 and the Court's inherent power
2. Motion for Rule 11 sanctions
3. Motion to shorten time on the 21-day "safe harbor" period for Rule 11 motion (in light of the fact that this case could be dismissed before we have an opportunity to get the sanctions motion filed and considered)
4. Motion to qualify me to continue to represent Defendants (in light of your apparent position that I was Lori Ann's lawyer and that her interests conflicted with Defendants').

The sanctions motions are premised on your preparation and submission of the Barnhart Declaration, as well as Mr. Saltz's "determination" in his declaration that Lori and Defendants conspired to hide evidence (Dkt. 30-1).

I can make myself available most any time.

**Michael P. Brown**

Gordon Tilden Thomas & Cordell LLP  
One Union Square  
600 University Street, Suite 2915  
Seattle, Washington 98101  
t: 206.467.6477 d: 206.805.3162  
w: [gordontilden.com](http://gordontilden.com)

